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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,735	08/19/2003	Teruaki Uehara	OKI.565	3778
20987	7590	08/24/2007	EXAMINER	
VOLENTINE & WHITT PLLC			NGO, CHUONG D	
ONE FREEDOM SQUARE				
11951 FREEDOM DRIVE SUITE 1260			ART UNIT	PAPER NUMBER
RESTON, VA 20190			2193	
			MAIL DATE	DELIVERY MODE
			08/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/642,735	UEHARA, TERUAKI
	<b>Examiner</b>	<b>Art Unit</b>
	Chuong D. Ngo	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 June 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 06 June 2007 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, it is unclear whether "the data", line 4, refer to "data", line 2, or "a data", line 4. Further, "the data read from the memory", line 6, lacks a proper antecedent basis. On line 9 and 10, it is indefinite as to what is replacing a part the first output data and a part of the second output data.

As per claim 2, it is unclear what it means by the recitation "when the parts of the first and second output data are replaced with an arithmetic result ..", noting that the first output is the arithmetic result.

As per claim 4, it is unclear as to what it means by the recitation "divides a carry signal"

As per claim 7 and 103, it is unclear as to what it means by the recitation "a carry signal instructs a carry", line 4.

Further, the uses of both brackets and strike through apparently to indicate deletions cause confusing.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-12 are directed under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

Claims 7-9 are directed to apparatus for merely performing manipulations and calculations of data values. In order for a such a claimed invention that merely involves manipulation and calculation of data values to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 1-12 that the claims merely involve calculations and manipulations of data. The claimed invention does not transform an article or physical object to a different state or thing. The inputs are numerical values and the output is also a numerical value. The result produced by the inventions do not have a real world value but merely numerical values without a practical application recited in the claims to make the result useful, concrete and tangible. Therefore, claims 1-12 are directed to non-statutory subject matter as the claimed invention fails to accomplish a practical application. Further, since the claims appear to cover every substantial practical application, they are also directed to a preemption of the claimed manipulation and calculation of data.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Getzlaff et al (5,754,875).

Getzlaff et al discloses in figure 2 an arithmetic unit including a memory (253) having a plurality blocks (252,253) for storing data, an arithmetic logic unit (10), a register (14,15) for temporarily storing data read from the memory, and a combining circuit (the node after ALU) for replacing a part (either 282 or 283) of the data from the register with the output (17) from the arithmetic logic and generating output data (285) as claimed.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getzlaff et al (5,754,875).

It is noted that Getzlaff et al does not specifically teach the arithmetic unit including a shifter and an accumulator as claimed. However, including elements in an arithmetic unit are so well known in the art. A person of ordinary skill in the art would have found it obvious to do so in order to increase flexibility of the arithmetic unit in performing difference functions and to maintain logic level of the output signal, respectively.

8. Claims 4,7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getzlaff et al (5,754,875) as applied to claims 1,3,5 and 6 above, and further in view of Shiell (6,408,320).

It is noted that Getzlaff et al. does not disclose the arithmetic logic unit capable of prohibiting ripple carry to an upper digit. However, Shiell discloses in figure 1 an arithmetic logic unit capable of prohibiting ripple carry to an upper digit as claimed. It would have been obvious to a person of ordinary skill in the art to provide Getzlaff et al. with an arithmetic logic unit as taught by Shiell in order to increase the flexibility of arithmetic logic in performing arithmetic operation on variable length operand.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references to Ishikawa et al., Doi et al. and Chen are cited to show an arithmetic unit including a shifter and an accumulator is well-known in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong D. Ngo whose telephone number is (571) 272-3731. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuong D Ngo/  
Primary Examiner, Art Unit 2193

08/10/2007